

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GLOBAL PAYMENTS DIRECT, INC.,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	1:14-cv-2634-LMM
v.	:	
	:	
INTELLIGENT PAYMENTS, LLC,	:	
et.al.,	:	
	:	
Defendants.	:	
	:	
and	:	
	:	
INTELLIGENT PAYMENTS, LLC,	:	
	:	
Third-Party Plaintiff,	:	
	:	
v.	:	
	:	
123 IT SUPPORT, INC.,	:	
et.al.	:	
	:	
Third-Party Defendants.	:	
_____	:	

**ANSWER OF THIRD-PARTY DEFENDANTS**  
**123 IT SUPPORT, INC. AND ADAM URBAN**

COME NOW, Third-Party Defendants 123 IT Support, Inc. and Adam Urban, and file this, their Answer to the Third-Party Complaint, and respectfully show this Court the following:

**FIRST DEFENSE**

Lack of subject matter jurisdiction.

**SECOND DEFENSE**

Lack of personal jurisdiction.

**THIRD DEFENSE**

Failure to state a claim upon which relief may be granted.

**FOURTH DEFENSE**

Fraud.

**FIFTH DEFENSE**

Failure to join an indispensable party, namely, Jason Taylor.

**FIFTH DEFENSE**

Responding to the individually enumerated paragraphs of the Third-Party Complaint, the Third-Party Defendants 123 IT Support, Inc. and Adam Urban respond as follows:

**PARTIES**

1-2.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in these paragraphs.

3.

Admitted that 123 IT Support, Inc. is a Delaware corporation.

4-15.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in these paragraphs.

### **JURISDICTION AND VENUE**

16.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in this paragraph.

17.

Denied.

18.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to whether venue is proper. Denied as to personal jurisdiction.

### **FACTUAL BACKGROUND**

19-21.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in these paragraphs.

22.

Admitted.

23.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in this paragraph.

24.

Denied. Any chargebacks resulting from activity concerning Third-Party Defendants was a result of the fraud committed by Third-Party Plaintiff's agent, Jason Taylor.

**COUNT I**  
**IMPLIED CONTRACTUAL INDEMNITY**  
**(Against All Defendants)**

25.

Third-Party Defendants incorporate their responses to paragraphs 1 through 24 as if fully set forth herein.

26-27.

Admitted.

28-29.

Denied.

30.

Third-Party Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations set forth in this paragraph.

31.

Denied.

**COUNT II  
DECLARATORY RELIEF  
(Against All Defendants)**

32.

Third-Party Defendants incorporate their responses to paragraphs 1 through 31 as if fully set forth herein.

33-34.

Denied.

Any allegations in the Third-Party Complaint not heretofore specifically admitted, modified, or denied are hereby generally denied as if separately and specifically denied, including but not limited to the “Prayer For Relief.”

**DEMAND FOR JURY**

Third Party Defendant 123 IT Support, Inc. demands a trial by jury as to all issues permitted to be tried as such.

WHEREFORE, Third Party Defendants 123 IT Support, Inc. and Adam Urban respectfully pray for the following relief:

- a. that the Third-Party Plaintiff complaint be dismissed with prejudice;
- b. that all costs be cast against Third-Party Plaintiff; and
- c. that Third Party Defendants 123 IT Support, Inc. and Adam Urban be granted such other and further relief as this Court may deem just and proper.

This 23<sup>rd</sup> day of March, 2015.

**MEROLLA & GOLD, LLP**

/s/ A. Todd Merolla  
A. Todd Merolla  
Georgia Bar No. 502570  
James S. Schell  
Georgia Bar No. 527077  
Attorneys for 123 IT Support, Inc.

75 14<sup>th</sup> Street, Suite 2130  
Atlanta, Georgia 30309  
404-888-3772 (o)  
404-888-3737 (f)  
atm@merollagold.com  
jss@merollagold.com

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Defendants.	:	
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	:	
Third-Party Plaintiff,	:	
	:	
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	:	
123 IT SUPPORT, INC.,	:	
et.al.	:	
	:	
Third-Party Defendants.	:	
_____	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the within and foregoing **ANSWER** was served upon all parties or their counsel of record by electronic means, through the United States District for the Northern District of Georgia CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

This 23<sup>rd</sup> day of March, 2015.

/s/ A. Todd Merolla  
A. Todd Merolla

75 14<sup>th</sup> Street, Suite 2130  
Atlanta, Georgia 30309